

NBC Middle School

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05/16/06

To Chairperson LaJoy and the Distinguished Members of the House
Transportation Committee:

Thank you for the opportunity to present on this important issue.

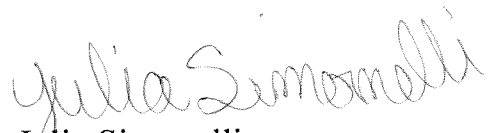
We are students of Nellie B. Chisholm Middle School in Montague,
Michigan.

We would be happy to answer any of your questions today, or as they may
arise. We can be contacted at the number and address above.

Sincerely,



Megan Rumsey



Julia Simonelli

The Problem

Over 4,000 chemicals have been found in secondhand smoke, 200 of which are poisonous. Over 40 are cancer causing.(1) In the United States, 43 percent of children are exposed to secondhand smoke in their own homes and as a passenger in a car.(2) When smoking in a car, the smoke becomes 23 times more toxic, making it hazardous to the health of the passengers taking in the secondhand smoke. Because of this many children develop asthma, ear infections, hearing loss, and other physical symptoms.(3) In the United States, 8.9 million children are diagnosed with asthma each year, many cases being caused by secondhand smoke.(4) When children are repeatedly exposed to secondhand smoke, fluid builds up in the middle ear, adding up to between 700,000 and 1.6 million doctor visits each year. These infections are the number one cause of childhood hearing loss and operations.(2) And, according to the Healthy Michigan 2010 report of the Surgeon General's Office, 1,800 Michiganians die annually from exposure to secondhand smoke. (5)

Michigan ranks 18th in the nation in the number of adult smokers.(6) 26.2 percent of Michigan adults report that they are cigarette smokers. That's 2,640,956 smokers!(7) While data on what percentage of smokers light up while transporting a minor is unavailable, a survey of students at NBC Middle School revealed that, of 33% of all students at NBC who are transported by a parent that smokes, 81% of them light up in the car while transporting a minor. In other words, 100 of our 370 middle school students are transported by a parent that smokes in the car. Recent research also reveals that Michigan ranks 12th in children's exposure to secondhand smoke, and Michigan receives

a letter grade of F by the American Lung Association in its efforts to make for smoke-free air. (8) A further study done by the Center for Disease Control shows that students whose parents do not expose them to secondhand smoke are 37% less likely to be smokers when they exit high school. (9)

A ban on smoking in cars with minors has had the support of the American Lung Association and numerous other organizations.(10) The Association's research has shown that secondhand smoke can cause respiratory infections, asthma, hearing loss, cancer and other illnesses. The State of Georgia recently passed a law banning smoking in a car while transporting a minor in a child restraint system.(11) California is considering similar legislation. Some have argued that such laws may not be enforced by an already overwhelmed police force, and that some such laws may be difficult to enforce when officers must judge who is and who is not a minor passenger.

Other groups oppose such legislation, arguing that the government should stay out of the private lives of individuals and their families. These groups include The United Pro Choice Smokers Rights Organization, the Americans for Limited Government, and the Freedom Organization for the Right to Enjoy Smoking Tobacco (FOREST). Representative of the argument would be this quote of FOREST member Antony Thompson: "Why should the anti-smoking lobby dictate our lifestyle at the expense of our well-known culture of tolerance?"(12)

And so, the question remains: should Michigan ban smoking in cars while transporting minors?

SOURCES

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- 3) Unknown author. "Protecting you Family from Second-hand Smoke." British Columbia Ministry of Health: BC Health Files, #30C, August 2005.
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- 4) Unknown author. "Asthma" National Center for Health Statistics. 2002.
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- 11) Unknown author. "House Bill 1138, Georgia General Assembly." 2004.
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- 12) Unknown author. "Frequently asked questions..." FOREST. April 2006.
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Alternative Policies

If Michigan passes a law to ban smoking while transporting a minor, the number of children with smoke-related illnesses could drop dramatically. The Environmental Protection Agency (EPA) classifies secondhand smoke a carcinogen, affecting about 150,000 to 300,000 children under 18 years, who develop diseases such as pneumonia or bronchitis.(1)

Protecting children in cars could be a step toward lessening this tragedy. However, there are opponents to this proposal. Phillip Morris USA has lobbied against such bills; a spokesperson for the company states that, "Adults should avoid smoking around children themselves.... It's a matter of private conduct, and it should not be legislated."(2)

The state of Georgia recently passed a weak law to protect child passengers. Georgia law requires a three month educational campaign before a \$15 fine is levied against violators.(3) The law also exempts smokers who roll down their windows while smoking, but research shows that a rolled down window often increases the smoke inhalation of passengers.

California's proposed law would allow for an initial warning to motorists who are caught smoking in a car with a passenger under 6 years of age, or less than 60 pounds, and after that they will get a 25 dollar fine. (4) This bill makes enforcement easier for officers, in that the offense applies only to motorists transporting children in carseats. Some might argue that \$15 or \$25 fines lack teeth, however.

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Our Class Policy

Our policy for the ban on smoking in cars while transporting minors has a three step approach.

First, a three-month public service announcement campaign should be put into effect. We could seek federal funding similar to the "Click It or Ticket" campaign sponsored by the NHTSA. (1) The advantage of this would be that adults would have no reason to be unaware of the upcoming law. We recommend a series of TV, billboard, newspaper, and radio advisories to raise awareness.

Second, we advise this committee to protect all minors. The advantage of extending the law to sixteen year olds, is that their lungs continue to develop and their ears are still at risk of infection. Any child in a car exposed to secondhand smoke is a victim. While adults argue for their personal liberties, they must consider how their choices affect kids. We would ask this question: what choice does the child have when a parent lights up in a car? The extension of this law to protect all minors may present an enforcement issue. However, we believe the benefits outweigh the concern. Certainly, a percentage of smokers will obey such a law simply because it is the law. Second, others will obey because of the law's deterrent effect. And finally, some enforcement will occur when drivers are seen smoking while transporting children even into their teens.

Third, we recommend that the fine be \$100, just under the \$120 average fine of a moving violation. Our proposal is fair in comparison to these other penalties.

A core democratic value of this state is popular sovereignty; that is, the belief that legislators should respond to the ultimate authority of the citizens they serve. Laws must,

then, reflect the will of the people. According to the American Lung Association, 65% of respondents to a recent poll support a ban on smoking in cars if a young child is present.(2) Article 4, section 51 of the Michigan State Constitution, titled, "Public health and general welfare," states that the "legislature shall pass suitable laws for the protection and promotion of public health." It goes on to say that public health is a matter of primary concern. Certainly, our proposal is suitable. It most clearly protects public health. And, it protects innocent victims from a serious threat to their health.

Sources

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Action Plan

We are pleased with this opportunity to present before the House Transportation Committee. We would like to thank the Honorable Chairperson, Mr. LaJoy, for this opportunity, and we thank each committee member for hearing us, as well. Our goal, of course, is that many thousands of children receive some additional protection from secondhand smoke through passage of this bill.

We intend to follow the progress of this bill, and we urge this committee to send this bill on for a vote by the full House of Representatives. We will watch for opportunity to further our cause in the Senate as well.

In the meantime, we have contacted our Representative, Mr. David Farhat of Muskegon, requesting his support of House Bill 5407 as well.

We end with this reminder. Smoking is a choice. But children have no choice when fastened into a safety belt. A one-hour car ride for a child passenger taking in secondhand smoke is the equivalent of smoking three cigarettes.(1) A cigarette takes 11 minutes off the life of an individual, on average.(2) And so, one hour of passive smoking subtracts one half hour from the life of a child, as well as severely reduces the quality of life.

It is the power of this legislature to protect child victims of parents who should know better. Please do so.

Sources

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